



## Senate

General Assembly

**File No. 392**

January Session, 2009

Substitute Senate Bill No. 428

*Senate, April 1, 2009*

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING THE SAFETY OF INDIVIDUALS BEING TRANSPORTED BY STATE AGENCIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1      Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
- 2      section, "transport vehicle" means any vehicle used to transport
- 3      patients or clients under the care, custody or control of a state agency.
- 4      (b) Any individual operating a transport vehicle shall have a motor
- 5      vehicle operator's license that is in full force and effect for the type of
- 6      such vehicle.
- 7      (c) The executive head of each state agency, or such executive head's
- 8      designee, shall (1) review the driving record of any individual
- 9      operating a transport vehicle to transport patients or clients under the
- 10     care, custody or control of such agency, at least once every six months,
- 11     and (2) inspect each such transport vehicle at least once per month to
- 12     ensure that all seats, seat belts and other required safety equipment
- 13     function properly.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2009</i>	New section
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***Statement of Legislative Commissioners:***

In section 1(c) the words "to transport patients or clients under the care, custody or control of such agency," were added to clarify that the duty of an executive head of a state agency or such executive head's designee to review driving records and inspect vehicles is limited to the operators and vehicles used by such agency.

**TRA**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Various State Agencies	GF; TF - Cost	Significant	Significant

Note: GF=General Fund; TF= Transportation Fund

#### **Municipal Impact:** None

#### **Explanation**

The bill concerns individuals who transport patients or clients under the care, custody or control of a state agency and the vehicles used by such individuals to transport the clients.

Its enactment will result in a significant fiscal impact to the state for costs associated with: 1) driver record checks every six months for all individuals who transport clients; 2) monthly inspections of all transport vehicles; 3) training; and 4) increased personnel costs that would result due to an individual's potential inability to transport a client because of a driving infraction. It is anticipated that, at a minimum, the following state agencies would be impacted: Departments of Developmental Services (DDS), Mental Health and Addiction Services (DMHAS), Children and Families (DCF), Correction (DOC), Motor Vehicles (DMV), Veterans' Affairs; and the Judicial Department.

There are over 11,500 state employees who transport clients/patients, utilizing over 2,200 vehicles. The bill's requirements would also impact the private providers that contract with these state agencies and transport clients (it is anticipated that any allowable increased costs to the private providers due to the bill's provisions would be passed on to the contracting state agency or the state agency would incur the cost directly). Although the total number of private

provider staff and vehicles that would be impacted is uncertain, assumptions are presented below for some of the aforementioned agencies for comparison purposes. Below is a further explanation of the various fiscal impacts anticipated from the bill.

### **Individuals and Vehicles**

Department of Developmental Services has an estimated 2,500 staff that transport clients and 450 vehicles involved; over 8,250 private provider staff and an estimated 2,000 vehicles.

Department of Mental Health and Addiction Services has an estimated 3,000 staff that transport clients and 343 vehicles; it is unknown how many individuals and vehicles in DMHAS' private provider network would be impacted, however, it is anticipated to be at least at the same volume as state staff.

Department of Correction has an estimated 4,000 DOC employees that transport inmates and utilizes 420 vehicles. DOC's contracted private providers would also be involved in transporting clients, however it is unknown at this time how many individuals and vehicles this would include.

Department of Veterans' Affairs has approximately 10 individuals that transport clients and utilizes 8 vehicles.

Judicial Department has 57 vehicles that are used by approximately 430 staff to transport individuals. It is anticipated that there would also be an impact from the private providers that Judicial contracts with, as they also transport individuals under the care or custody of the department, however, the magnitude of that impact is unknown.

Department of Children and Families has approximately 1,560 staff that transport clients utilizing an estimated 1,000 vehicles. Over 4,000 private provider staff utilize an unknown number of vehicles.

### **Driving Record Check**

It is anticipated that agencies would apply to DMV for online access to the Driving Record Data System. It is anticipated that the DMV will incur a one-time cost of \$200,000 in FY 10 for computer programming to the system. Each agency would incur administrative costs (e.g. personnel) to process and review the record checks required. Each agency's cost would depend on the volume of drivers and their current administrative capacity. It is unclear what process the agencies would use to accommodate the record checks for private providers. Some agencies may incur one-time costs to establish a process by which the information can be transmitted.

Currently, DMHAS has the capability to perform driving record checks for new hires. The bill's provisions would increase the volume of these record checks significantly for the department and result in increased need for staff (at least one position at a \$46,019 annual salary plus \$10,802 in fringe benefits).

DDS working with DMV has established a procedure requiring annual license and record review of all employees occupying positions which provide direct services to DDS clients. The semi-annual checks required by the bill would significantly increase the department's work load and could require additional resources to accomplish.

All other agencies impacted that currently do not have access to driving record information would incur costs associated with performing and reviewing the record checks. The annual cost for an additional staff to perform these duties may range from \$35,000 - \$57,000 (additional fringe benefit costs would correspondingly range from \$20,300 - \$33,000). The salary would depend on the position selected by the agency to fulfill this requirement.

### **Vehicle Inspections**

The bill requires that the transport vehicle receive a safety inspection once a month (a safety inspection is assumed to be more comprehensive than just a seat belt check). The bill does not specify who shall perform the safety inspection. Depending upon whether an

agency increases the number of its personnel (that perform similar duties) to service the inspections, utilizes another state agency's inspection capabilities or contracts out (commercial inspections), the cost will vary. As an example, if safety inspections were performed at a \$25 - \$40 per vehicle fee, the annual cost to perform monthly safety inspections on state transport vehicles for DDS, DMHAS, DCF, DOC and Judicial is estimated to cost \$682,000 - \$1 million; if DDS's private provider vehicles are also included, another \$600,000 - \$960,000 cost would be incurred, for total annual costs of \$1.3 to \$2.0 million. To the extent that similar safety inspections are currently being performed on vehicles that would meet the bill's requirements, this would reduce the overall cost for vehicle inspections. The above mentioned costs do not include any staff time that would be involved in taking the vehicles to and from the location where the safety inspection will occur.

### **Personnel Costs due to Moving Violations**

It is anticipated that, due to the bill's provision restricting an individual from transporting a client if they have a moving violation or infraction, state agencies will incur personnel costs. The agencies (and their contracted private providers) would incur additional personnel costs for accommodating a staff member's inability to transport clients. The lack of flexibility in shift assignment, workload and location of programs will result in increased costs (including overtime and hiring additional staff).

### **Training Costs**

The bill requires that individuals review procedures on seatbelt safety and demonstrate implementation. Costs for a training session will depend on the individual's hourly wages, in addition to any training material distributed. As an example, for every 1,000 state employees who are paid at an hourly wage of \$25, this would result in a cost of \$25,000. It is assumed that the training would be one-time for current staff and every new hire. To the extent that an agency's current training model would meet the bill's requirements, this would reduce the overall impact to the state.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation except for any one-time costs associated with the bill.

**OLR Bill Analysis****sSB 428*****AN ACT CONCERNING THE SAFETY OF INDIVIDUALS BEING  
TRANSPORTED BY STATE AGENCIES.*****SUMMARY:**

This bill requires anyone a state agency uses to transport patients or clients in the agency's care, custody, or control to have a valid driver's license for the type of vehicle being operated.

The bill also requires the executive head of the state agency, or a designee, to (1) review the driving record of anyone performing these driving functions at least every six months and (2) perform monthly inspections of the vehicles to assure seats, seat belts, and other required safety equipment function properly.

EFFECTIVE DATE: October 1, 2009

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/16/2009)